

Serial No.: 10/698,999
Group Art Unit: 2179

REMARKS

Claim Rejections - 35 USC §101

Double Patenting

The Examiner stated that claims 1-5, 7-16, and 19-22 are rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-5, 7-16 and 19 of Melton, Jr. et al. (U.S. Patent No. 6,717,598, hereinafter "Melton").

Independent claims 1 and 12 have been amended so they, and the claims depending therefrom, are not coextensive in scope to the claims in USPN 6,717,598, which is the parent case to the present continuation application.

Claim Rejections - 35 USC §103

Claims 1, 2, 8-13, and 19-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Goetz et al. (U.S. Patent No. 6,421,650 B1, hereinafter "Goetz") and KT Somerville et al. ("An Internet-Based Patient Education Tool Utilising Medication Pictures To Overcome Barriers To Learning About Complex Transplant Medication Regimens", March 2000, Pharmacotherapy, 20(3):369, hereinafter "Somerville").

Goetz teaches a text based medication management system which includes three components to assist a patient control, monitor and manage administration of prescribed medications. The system comprises a patient component having a retrievable patient database of patient medical history, prior prescribed medications and current prescribed medications, and it includes a data transfer interface, e.g., a hardwired interface, such as an RS232 interface or infrared data transfer port.

Somerville teaches a medication planner for clinical services, which permits color printouts to be provided to patients.

Referring now to claims 1 and 12 from which claims 2, 8-11, 13, and 10-22 depend, Applicants respectfully submit that the claims have been amended to claim combinations which include limitations, as exemplified in claim 1, not shown in Goetz or Somerville of:

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"a processor...causing the medication icon and the timing icon to appear on said color screen in a sequence determined by the culture of the patient."

The support for the above amendment is in Specification page 5, line 29, through page 6, line 11:

"On the right side of the color screen 14 is a timing icon 36, which indicates when the medication should be taken. In this case, the timing icon 36 is a crescent moon behind an illustrated meal on a plate. Because the medication icon 32 is on the left and the timing icon 36 is on the right, the medication is taken before the evening meal. In some cultures these would be placed in the opposite order, for example, where people think in sequence from right to left. Thus, for it to make sense in some parts of the world, the medication icon 32 would need to be shown on the right and the plate of food on the left, in this case. Such an arrangement has been determined to be an effective way of pictorially communicating within the culture for which the medical navigator 10 is to be used. Also, the use of imagery is preferable to language so that even if the medical navigator 10 displays Chinese or Japanese characters, it could be used in the United States by a patient who only reads English because all of the needed information would be available in pictorial form. The written timing icon 38 in this example displays the text 'BEFORE EVENING MEAL' in English.

This permits medications and dosages to be identified by a patient correctly and quickly at the prescribed time, and with additional symbol and image grouping, the instructions are presented visually, easily crossing language barriers."

It is respectfully submitted that the now amended claims 1 and 12, and the claims depending therefrom, are now unobvious under 35 U.S.C. §103(a) over Goetz in view of Somerville.

New claims 23 and 24, respectively depend from claims 1 and 12, and respectively claim written language and text displays with the timing icon. The support for the new claims is in Specification page 5, line 29, through page 6, line 11, quoted above.

Other

The Examiner stated that the prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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The other references cited by the Examiner showing the prior art have been considered and are not believed to disclose, teach, or suggest, either singularly or in combination, Applicants' invention as claimed.

Conclusion

In view of the above, it is submitted that the claims are in condition for allowance and reconsideration of the rejections is respectfully requested. Allowance of claims 1-5, 7-16, and 19-24 at an early date is solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including any extension of time fees, to Deposit Account No. 50-0374 and please credit any excess fees to Deposit Account No. 50-1078.

Respectfully submitted,



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